

EXHIBIT 49



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July 24, 2023

Via Email

Hon. Sylvia O. Hinds-Radix
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

Steve J. Martin
Nunez Independent Monitor
135 West 41st Street, 5th Floor
New York, NY 10036

Re: Non-Compliance with Court Orders in *Nunez v. City of New York*, Case No. 11-cv-5845

Dear Counsel and Monitor Martin:

We write pursuant to Section XXI, ¶ 2 of the Consent Judgment in *Nunez v. City of New York*, 11-CV-5845-LTS (“Consent Judgment”), to provide notice that we believe the Defendants are not in compliance with their obligations under the following provisions of the Court Orders in this case:

1. Consent Judgment, § IV, ¶ 1: Implement New Use of Force Directive
2. Consent Judgment, § VII, ¶ 1: Thorough, Timely, Objective Investigations
3. Consent Judgment, § VII, ¶ 4: Addressing Biased, Incomplete, or Inadequate Investigations
4. Consent Judgment, § VII, ¶ 9(a): Timeliness of Full ID Investigations
5. Consent Judgment, § VII, ¶ 11: ID Staffing
6. Consent Judgment, § VIII, ¶ 1: Appropriate and Meaningful Discipline
7. Consent Judgment § XV, ¶ 1: Prevent Fights/Assaults (Safety and Supervision of Inmates Under the Age of 19) – *18-year-olds*
8. Consent Judgment § XV, ¶ 12: Direct Supervision (Safety and Supervision of Inmates Under the Age of 19) – *18-year-olds*
9. Consent Judgment § XV, ¶ 17: Consistent Assignment of Staff (Safety and Supervision of Inmates Under the Age of 19) – *18-year-olds*
10. First Remedial Order, § A, ¶ 2: Facility Leadership Responsibilities
11. First Remedial Order, § A, ¶ 4: Supervision of Captains
12. First Remedial Order, § A, ¶ 6: Facility Emergency Response Teams
13. First Remedial Order, § B, ¶ 3: ID Staffing Levels
14. First Remedial Order, § D, ¶ 1: Consistent Staff Assignment and Leadership
15. First Remedial Order, § D, ¶ 3; § D, ¶ 3(i): Reinforcement of Direct Supervision
16. Second Remedial Order, ¶ 1(i)(a): Interim Security Plan
17. Second Remedial Order, ¶ 1(i)(b): Suicide Prevention

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18. Second Remedial Order, ¶1(i)(c): Intake Processing Within 24 Hours
19. Action Plan, § A, ¶1(d): Improved Routine Tours
20. Action Plan, § A, ¶3(b)(ii): Executive Leadership
21. Action Plan, § C, ¶ 3: Improved and Maximized Deployment of Staff
22. Action Plan, § D, ¶ 2: Improved Security Initiatives
23. Action Plan, § D, ¶ 3: Consultation and Direction of the Monitor
24. Action Plan, § E, ¶ 3(a): Processing Through Intake in 24 Hours
25. June 13, 2023 Order, § 5: Engage in Proactive Communications with the Monitor Related to the *Nunez* Court Orders

This assessment is based primarily on the information contained in the Monitor’s reports, including but not limited to the July 10, 2023 report. That report concluded that “[t]he jails remain dangerous and unsafe, characterized by a pervasive, imminent risk of harm to both people in custody and staff.” Dkt. No. 557, at 12. Indeed, the Monitor’s concerns about an “overall lack of progress” were compounded by “what appears to be the Department’s inability or unwillingness to identify (and therefore address) the objective evidence regarding the pervasive dysfunction and harm that continues to occur daily in the jails.” *Id.* at 2. Further, Defendants’ noncompliance with the provisions above has been described in Plaintiffs’ prior submissions to the Court and correspondence with Defendants.

We look forward to hearing from Defendants within 30 days. Thank you for your swift attention to this matter.

FOR PLAINTIFF CLASS:

The Legal Aid Society

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